

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

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BABY DOE, A CITIZEN OF AFGHANISTAN :
CURRENTLY RESIDING IN NORTH :
CAROLINA, BY AND THROUGH NEXT : CIVIL ACTION NO. 3:22-CV-49
FRIENDS, JOHN AND JANE DOE;AND JOHN :
AND JANE DOE, CITIZENS OF AFGHANISTAN :
AND LEGAL GUARDIANS OF BABY DOE, :
:
Plaintiffs, :
:
v. :
:
JOSHUA MAST, STEPHANIE MAST, RICHARD :
MAST, KIMBERLEY MOTLEY, AND AHMAD :
OSMANI, :
:
Defendants, :
:
and :
:
UNITED STATES SECRETARY OF STATE :
ANTONY BLINKEN AND UNITED STATES :
SECRETARY OF DEFENSE GENERAL :
LLOYD AUSTIN, :
:
Nominal Defendants. :
:
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**PLAINTIFFS' MOTION TO CONTINUE SHOW CAUSE
HEARING CURRENTLY SCHEDULED FOR JULY 21, 2023**

On June 14, 2023, Plaintiffs filed their Emergency Motion to Show Cause Why Defendants Joshua and Stephanie Mast and Their Third Party Representatives Jonathan Mast and the Pipe Hitter Foundation Should Not Be Held In Contempt for Violating the Court's Protective Order and for Expedited Discovery (the "Show Cause Motion") (ECF No. 231). The factual basis for the Show Cause Motion is amply set forth therein. *See* Show Cause Motion at 2-8. Soon after that

filing, the Court set a briefing schedule and scheduled a hearing for July 21, 2023. The parties have filed their briefs. *See* ECF Nos. 231, 239, 244. For the reasons set forth below, Plaintiffs now move to continue the show cause hearing (the “Motion to Continue”).

On June 16 and 17, 2023, Plaintiffs served subpoenas on Joshua Mast’s brother Jonathan Mast (“Jonathan”) and the Pipe Hitter Foundation (the “PHF”) seeking the production of documents and depositions. *See* Exhibits A and B. Those subpoenas followed shortly after Plaintiffs sent “cease and desist” letters to Jonathan and the PHF on June 13. *See* Exhibits C and D (without attachments).

On July 9, the PHF produced over 600 pages of documents. On July 13, Jonathan produced 39 documents, 11 of which were copies of filings in this case. On July 17, Plaintiffs deposed Jonathan. During the deposition, Plaintiffs marked as exhibits more than two dozen documents, roughly half of which had been produced by the PHF. Plaintiffs also undertook to schedule a Rule 30(b)(6) deposition of the PHF and requested that it take place on the afternoon of July 18. Plaintiffs proposed to take the deposition remotely to accommodate the PHF’s California-based Executive Director, whom Plaintiffs understood was to be the PHF’s designee if a deposition were to go forward. On the evening of July 17, however, counsel for the PHF informed Plaintiffs’ counsel that they would be filing a motion to quash the deposition component of the subpoena. PHF thus would not be producing a witness to be deposed. That motion was filed this evening with the Court.

On the morning of July 18—having learned only the night before of the PHF’s intent to quash any deposition—Plaintiffs’ counsel advised counsel for Joshua and Stephanie Mast that they would be filing the Motion to Continue. As reflected in the email sent by the Mast’s counsel to

the Court this afternoon, the Masts are opposed to any continuance of the hearing on the Show Cause Motion. One has to wonder why.

It cannot be that a postponement would subject the Masts to any undue prejudice. Nor can they credibly argue that a postponement would cause them to incur any additional attorneys' fees or expenses; after all, if the Court grants the Motion to Continue, the Masts will have literally nothing to do but await the resolution of the PHF's motion to quash. From where Plaintiffs sit, it appears that the singular reason the Masts want the hearing on July 21 to go forward is that they absolutely do not want the PHF to be deposed before any hearing. In short, they are not concerned about *undue* prejudice.

Having examined the PHF's documents, Plaintiffs believe that they prove that Jonathan was acting on Joshua's behalf when he sent photos of Baby Doe to the PHF. Those photos were not just posted on the PHF's website and social media platforms, but also were displayed during Jonathan's June 6 interview with One America News Network. Jonathan testified in his July 17 deposition that the PHF arranged for that interview.

Soon after the PHF received Plaintiffs' cease and desist letter, it began to remove from its website and social media platforms what had been posted. Indeed, each of the posts highlighted in Plaintiffs' Show Cause Motion, *see* ECF No. 321, Ex. 1, have been removed. That action effectively eliminated the "emergency," thus removing the necessity of having a fast hearing on the Show Cause Motion. The bell that cannot be unrung, of course, is Jonathan's interview with One America News. That interview is still available on the One America News website—search for "Joshua Mast."¹

¹ One America News Network, *Search results for: Joshua Mast*, <https://www.oann.com/?s=joshua+mast> (last visited July 18, 2023, 8:30 PM) (showing Jonathan's June 6 interview in the results).

During his deposition, Jonathan testified that on May 10, 2023, he signed the “Pipe Hitter Foundation Grant Agreement” on behalf of the contract’s designated “Grantees,” whom the agreement lists in its preamble as “Joshua Mast and his family.” *See* Exhibit E. Plaintiffs received that document from the PHF; Jonathan did not produce a copy. Plaintiffs need to depose the PHF not only to authenticate the PHF documents that are relevant to the Show Cause Motion, but also (and more importantly) to learn the full extent of Joshua Mast’s interactions with the PHF since he first was in contact with the group sometime in January of this year.

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully move that the Court continue the hearing on the Show Cause Motion until at least seven days after a deposition of the PHF or the resolution of the PHF’s motion to quash, whichever is later.

July 18, 2023

Respectfully submitted,

/s/ Maya Eckstein

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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of July 2023, I filed the foregoing with the Court's electronic case-filing system, thereby serving all counsel of record in this case.

By: /s/ *Maya Eckstein*
Maya M. Eckstein (VSB No. 41413)